

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 112, are respectfully requested in light of the following remarks.

Claims 1-21 are pending in this application. Claims 18-21 have been added.

Claim 1 has been amended to delete $x = 1$ and the definition of R^f when $x=1$ and to recite the properties of the composition as elements in the body of the claim rather than in the preamble. Claims 2-15 have been amended to be in proper form by reciting "The composition" in the preamble rather than "Composition". Claim 7 has also been amended to clarify the claim language. Claim 9 has been amended to recite clarify the claim elements by reciting the nature of the at least one crosslinkable linear polyorganopolysiloxane, to delete the recitation of the catalyst and the filler, as the catalyst and the filler are described in claim 1 from which claim 9 depends, and to describe the additional material in the composition. Claims 11 and 13 have been amended to recite the elements in proper Markush form. Claim 17 has been amended to recite that when $x = 1$, R^f comprises elements that were previously optional.

Claims 18-21 have been added. Claim 18 recites the elements previously found in claim 9. Claim 19 is analogous to previous claim 1, where $x = 1$. Claims 20 and 21 each depend from claim 19 and recite elements that were optional in the definition of R^f in the catalyst in claim 19.

No new matter has been added in making these amendments.

35 U.S.C. §112, Second Paragraph Rejection

Claim 9 has been rejected under rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The previous version of claim 9 recited the limitation: "-C- the crosslinking catalyst according to the invention." Claim 9 has been amended to delete this phrase. This limitation is redundant because it is described in claim 1, from which claim 9 depends.

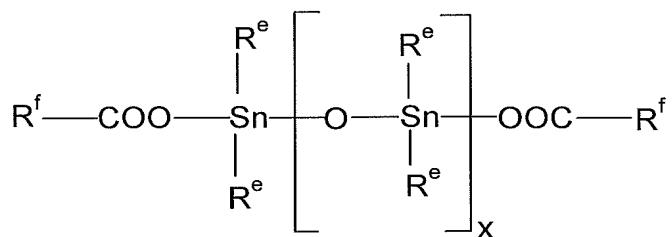
Claim 9 particularly points out and distinctly claims the subject matter which the applicant regards as the invention. Applicant therefore request that this rejection be withdrawn.

35 U.S.C. §102(b) rejection

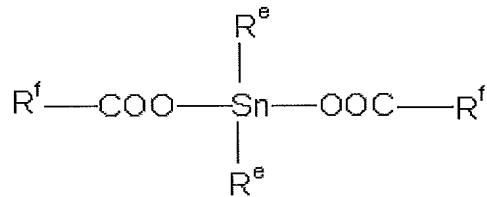
Claims 1 - 3, 7 and 9-17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Chadha et al. (U.S. Patent No. 3,664,997).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP 2131).

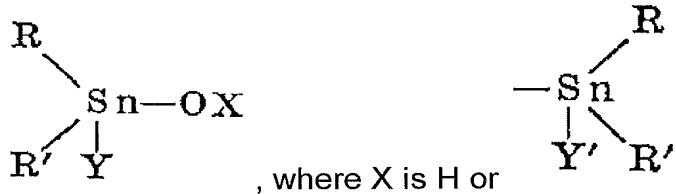
Claim 1 recites a catalyst of the formula below, where x=0:



The formula of the catalyst of claim 1 is therefore:



Chadha teaches a curing catalyst of the formula:



Chadha does not expressly or inherently describe the catalyst of claim 1.

Therefore Claims 1-3 and 9-17 are not anticipated by Chadha.

Claims 20 and 21 require that R^f , which are identical or different, represent a saturated or unsaturated and linear or branched C_1-C_{20} alkyl radical comprising one or more oxygen atoms (claim 20) or one or more ester or ether functional groups (claim 21). The definition of the catalyst in Chadha (page 1, lines 53-59) requires that when Y or Y' is $OOCR''$, R'' is a hydrocarbon group having from 1 to 18 carbon atoms. Therefore Chadha does not expressly or inherently describe the catalyst of claims 20 and 21.

Applicants therefore request that this rejection be withdrawn.

35 U.S.C. §103(a) Obviousness Rejections

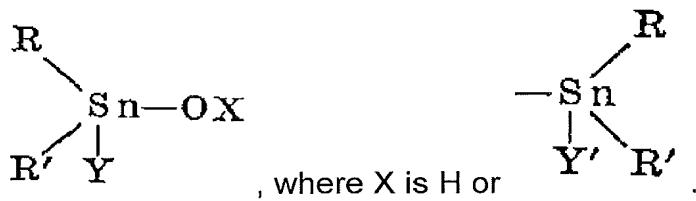
Claim 8 has been rejected under 35 U.S.C. §103(a) as unpatentable over Chadha et al. (U.S. Patent 3,664,997).

Applicants respectfully submit that Claim 8 is not obvious over Chadha.

To establish a *prima facie* case of obviousness, three basic criteria must be met. (MPEP 2143) First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

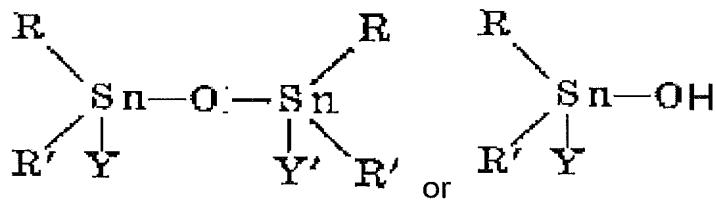
Chadha teaches organopolysiloxanes comprising an organopolysiloxane and a organotin compound of the formula:



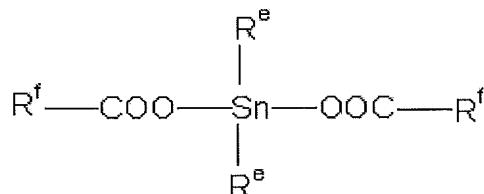
As shown above, Chadha does not teach the catalyst required in claim 1 from which claim 8 depends.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. There is no suggestion or motivation in Chadha to modify the catalyst in Chadha to obtain the catalyst required by claim 8 of the instant application. The Office Action has not provided any such motivation. Therefore there is no motivation or suggestion in the cited prior art to modify the invention of Chadha to obtain Applicant's invention.

To establish a *prima facie* case of obviousness, there must be a reasonable expectation of success. There is no reasonable expectation of success in obtaining the Applicant's claimed composition by making changes to the catalyst of Chadha. One of ordinary skill in the art would not have expected that changing from a catalyst having the structure



to a catalyst of the structure



would result in the claimed composition. Such a person would recognize that reactions are highly sensitive to the structure of the catalyst used. Such a person would also recognize that the changes to the structure are not minor changes, and that such changes could be expected to affect the ability of the material to act as a catalyst. Therefore, there was no reasonable expectation of success at the time of the invention that the claimed composition could be obtained by modifying Chadha.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. It was shown above that Chadha does not teach the catalyst required in claim 1 from which claim 8 depends. Therefore the cited prior art does not teach or suggest all of the limitations of the instant claims.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claim 9 is not obvious over Chadha et al. Applicants therefore request that this rejection be withdrawn.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 9, 2010

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